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PATENT

ATTORNEY DOCKET NO.: 056116-5009-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BRIGHT *et al.*

Application No.: 09/405,839

Group Art Unit: 1638

Filed: September 27, 1999

Examiner: G. Helmer

For: IMPROVED PLANT GERMPLASM

Commissioner for Patents

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated May 28, 2004.
2. Additional papers enclosed:

Notice of Appeal

Exhibit A – Lloyd *et al.* (1994), Mol. Gen. Genet., 242:653-657

Exhibit B – Sonti *et al.* (1995), Plant Molecular Biology, 28:1127-1132

Exhibit C – Kilby *et al.* (1995), The Plant Journal, 8(5): 637-652

Exhibit D – Hodges *et al.*, U.S. Patent No. 5,527,695

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant petitions for a three month extension of time (\$980.00). If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	3	minus	53	?	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	?	x \$88 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$
SUB-TOTAL =						\$0
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$980.00 for a three-month extension of time to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Michael S. Toscani
Michael S. Toscani

By: *Reg. No. 43,210*
 Erich E. Veitenheimer
for Reg. No. 40,420

Dated: November 15, 2004

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